

COPY

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Illinois Central Railroad Company,

Petitioner,

v.

Neoga Township, the City of Neoga and the State of Illinois,
Department of Transportation,

Respondents.

Petition of Illinois Central Railroad Company seeking an order of closure of the at-grade crossings of Cemetery Road/ TR-67 (DOT 289 160P; railroad milepost 185) and TR-85 (DOT 289 161W; railroad milepost 185.65) and the Illinois Central Railroad Company's tracks, and an order of installation of automatic flashers and gates at the crossing of TR-85A (DOT 289 162D; railroad milepost 186.16) and the Illinois Central Railroad Company's tracks, all in Neoga Township, Cumberland County, Illinois.

RECEIVED
JUL 15 2005

Illinois Commerce Commission
RAIL SAFETY SECTION

T05-0007

**SUPPLEMENTAL RESPONSE TO RESPONDENT'S FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS**

Now comes Illinois Central Railroad Company ("IC") with its Supplemental Response to the City of Neoga's First Request for Production of Documents and states as follows (the Requests are in italics):

REQUEST #6: *All documents relating to the possible or proposed closure of Crossings 900 and 950, the alternative road from 950 to the north, the alternative road from 900 to the south and the repair and signaling of Crossings 850, 900 and 950.*

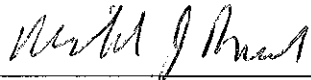
ANSWER: Additional documents enclosed. In addition, IC encloses documents relating to other dockets in which crossings were closed or set to be closed.

DOCKETED

JUL 18 2005

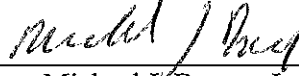
Dated at Homewood, Illinois this 13th day of July, 2005.

ILLINOIS CENTRAL RAILROAD COMPANY

By 
Michael J. Barron, Jr.
Counsel
CN
17641 S. Ashland Avenue
Homewood, IL 60430-1345
Phone: 708-332-3954
Fax: 708-332-3052
ARDC 6228809

CERTIFICATE OF SERVICE

I, MICHAEL J. BARRON, JR., an attorney, certify that I served the foregoing Supplemental Response to Respondent's First Request for Production of Documents upon the those made parties to this proceeding by enclosing copies of the foregoing in envelopes addressed to the parties as set forth below, postage prepaid, and depositing the envelopes in the United States Mail at 17641 S. Ashland Avenue, Homewood, IL on the 13th day of July, 2005.



Michael J. Barron, Jr.

Mr. Carl M. Webber
Webber & Thies, P.C.
202 Lincoln Square
Urbana, IL 61801

Mr. Ben Bland
Cumberland County Highway Engineer
800 East Industrial Drive
Toledo, IL 62468

Mr. Lloyd A. Lacy
Neoga Township, Supervisor
590a County Road 750N
Neoga, IL 62447

Ms. Doris McKay
Neoga Township, Clerk
88 County Road 1400 N
Neoga, IL 62447

Mr. David D. Johnston
Neoga Township Highway Commissioner
608 County Road 1000 N
Neoga, IL 62447

Mr. Jay Russell
City of Neoga, Mayor
P.O. Box 248
Neoga, IL 62447-0248

Mr. Victor A. Modeer
Director of Highways, IDOT
ATTN: JEFF HARPRING, ROOM 205
2300 South Dirksen Parkway
Springfield, IL 62764

Mr. Michael Stead
Rail Safety Program Administrator
Illinois Commerce Commission
527 E. Capital Avenue
Springfield, IL 62701

Ms. Ellen Schanzle-Haskins
Chief Counsel
Illinois Department of Transportation
2300 S. Dirksen Parkway
Springfield, IL 62764

David Lazarides
Act. Program Mgr. Processing & Information
Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, IL 62701

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

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JUL 15 2005

Illinois Commerce Commission
RAIL SAFETY SECTION

Illinois Central Railroad Company,

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Neoga Township, the City of Neoga and the State of Illinois,
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T05-0007

Respondents.

Petition of Illinois Central Railroad Company seeking an order of closure of the at-grade crossings of Cemetery Road/ TR-67 (DOT 289 160P; railroad milepost 185) and TR-85 (DOT 289 161W; railroad milepost 185.65) and the Illinois Central Railroad Company's tracks, and an order of installation of automatic flashers and gates at the crossing of TR-85A (DOT 289 162D; railroad milepost 186.16) and the Illinois Central Railroad Company's tracks, all in Neoga Township, Cumberland County, Illinois.

NOTICE OF SERVICE OF DISCOVERY RESPONSES

Mr. Carl M. Webber
Webber & Thies, P.C.
202 Lincoln Square
Urbana, IL 61801

Mr. Ben Bland
Cumberland County Highway Engineer
800 East Industrial Drive
Toledo, IL 62468

Mr. Lloyd A. Lacy
Neoga Township, Supervisor
590a County Road 750N
Neoga, IL 62447

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Springfield, IL 62701

David Lazarides
Act. Program Mgr. Processing &
Information
Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, IL 62701

PLEASE TAKE NOTICE that we have on this 13th day of July, 2005, served on the City of Neoga, through their attorney, Mr. Carl M. Webber, our Supplemental Response to Respondent's First Request for Production of Documents.

ILLINOIS CENTRAL RAILROAD COMPANY

By 
Michael J. Barron, Jr.
Counsel
CN
17641 S. Ashland Avenue
Homewood, IL 60430
Phone: 708-332-3954
Fax: 708-332-3052
ARDC 622880'9

STATE OF ILLINOIS



ILLINOIS COMMERCE COMMISSION
TRANSPORTATION DIVISION / RAIL SAFETY SECTION

Michael E. Stead

Rail Safety Program Administrator

June 10, 2005

Michael W. Meyer
Tuscola Township Highway Commissioner
P.O. Box 194
Tuscola, IL 61953

Steven Miller
Pesotum Township Highway Commissioner
P.O. Box 139
Pesotum, IL 61863

Dear Mr. Meyer and Mr. Miller:

This is in response to the Grade Crossing Protection Fund Grade Crossing project application you jointly submitted for our review and consideration. The application requests approval of an incentive payment from the Grade Crossing Protection Fund (GCPF) for Tuscola Township's and Pesotum Township's voluntary closure of the TR 1 highway-rail grade crossing (**AAR/DOT #289 107D, railroad milepost 144.37-M**) of the Canadian National/Illinois Central Railroad Company's (CNIC) tracks located near Tuscola.

After review of the application, this office has determined that your request be approved. Based on the existing average annual daily traffic (AADT) of 25 vehicles per day (vpd) for TR 1 crossing, this office will recommend the Commission direct the Illinois Department of Transportation (IDOT) to transfer \$50,000 from the GCPF to be equally divided into each Township's Motor Fuel Tax (MFT) account. Once the incentive payment has been transferred, the Townships may utilize the funds for any purpose that meets IDOT's requirements for use of MFT funds.

This office will prepare a Stipulated Agreement for closure of the TR 1 grade crossing by vacation of the roadway and distribute the document to all parties, including Tuscola Township, Pesotum Township, the CNIC, and IDOT. Following execution of the Agreement, an Order will be prepared and submitted to the Commission for its review and approval.

I trust this information will be helpful. If either Township has any questions, or needs additional information, please contact Joe VonDeBur, Rail Safety Specialist, at (217) 557-1286 jvondebu@icc.illinois.gov.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael E. Stead".

Michael E. Stead
Rail Safety Program Administrator

cc: Jeff Blue, Champaign County
Jim Crane, Douglas County
Michael Barron, CN
John Henrickson, CN

CB

December 15, 2004
193/3

To: Arne Skrodal,
Hardy Taylor, Jr.

RE: Springfield, IL - Reopen 10th Street crossing on Brickyard Connection

Attached are ".pdf" files for four (4) crossings on the Brickyard Connection in Springfield, IL. They are currently inventoried as Norfolk Southern ("NS") crossings in the FRA database. They are NOT in the current GX32 database.

328 452V is a closed private crossing. The City desires to reopen this crossing as a public crossing (10th Street).

328 453C is an open public crossing (Yale Blvd.) In conjunction with reopening 10th Street, the City is proposing to close this crossing

328 454J is an open public crossing (11th Street)

328 455R is an open public crossing (15th Street)

ICRR leases this stretch of track from the former Illinois Terminal Railroad which is now owned by Norfolk Southern. Under the terms of the lease, ICRR performs all construction and maintenance.

Two items:

1) We need to get these DOT records updated, including showing "IC" as the Operating Railroad (Part 1, Item 1) and "NS" as the Crossing Owner (Part 1, Item 11). 15th St., 11th St. and Yale Blvd. need to be updated now. We can update 10th St when it is reopened. These updates will need to be done on paper forms since these crossing are not currently in GX32.

Hardy, please arrange to field verify the physical data and obtain current train speed and train count info, then forward to me.

Arne, upon receipt of Hardy's info, you can then verify the crossing signal info.

2) We also need to generate plans and estimates for installing the new crossing surface at 10th St.; installing AFLS/gates at 10th St.; and removing the Yale Blvd. crossing.

Hardy, I'll need the customary survey info to be able to generate crossing surface estimates.

Arne, I'll need you to develop an estimate for installing new AFLS/gates at the reopened 10th Street.

I have a blueprint which I'll be putting in the mail to each of you. If any questions, call me.

Tom Zeinz

cc: Michael Barron



www.cn.ca

U.S. Legal Affairs

Michael J. Barron
Counsel

17641 South Ashland Avenue
Homewood, Illinois 60430

T 708-332-3954
F 708-332-4361
michael.barron@cn.ca

Via 1st Class Mail

May 27, 2005

Mr. David Lazarides
Acting Program Manager
Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, IL 62701

Re: T04-0054

Dear Mr. Lazarides:

Enclosed is the Response of Illinois Central Railroad Company to the Petition for Supplemental Order and Extension of Time filed by the Village of Bourbonnais in the above-referenced docket.

Thank you for your assistance in this matter. Please disregard our pleading of May 23rd in this docket. Feel free to call me if you have questions.

Sincerely,

A handwritten signature in cursive script, reading "Michael J. Barron, Jr.", is written over the typed name.

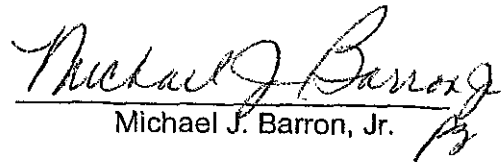
Michael J. Barron, Jr.
Counsel

Encl.

cc: Parties of Record
Mr. Joe VonDeBur

CERTIFICATE OF SERVICE

I, MICHAEL J. BARRON, JR., an attorney, certify that I served the foregoing Response of Illinois Central Railroad Company to the Petition for Supplemental Order and Extension of Time filed by the Village of Bourbonnais upon the respondents made party to this proceeding by enclosing copies of the foregoing in envelopes addressed to those parties as set forth below, postage prepaid, and depositing the envelopes in the United States Mail at 17641 S. Ashland Avenue, Homewood, IL on the 27th day of May, 2005.


Michael J. Barron, Jr.

Patrick T. Dunn
LaBeau, Dietchweiler, Capriotti & Dunn, P.C.
200 E. Court Street, Suite 700
Kankakee, IL 60901

Michael Hildebrand
Highway commissioner
Bourbonnais Township
623 Woodstock Lane
Bourbonnais, IL 60914

Robert Latham
Village President
Village of Bourbonnais
700 Main Street NW
Bourbonnais, IL 60914

Victor A. Modeer
Director of Highways-IDOT
Attn. Jeff Harpring, Room 205
2300 S. Dirksen Parkway
Springfield, IL 62764

James W. Piekarczyk
Kankakee County Highway Engineer
750 S. East Avenue, P.O. Box 825
Kankakee, IL 60901

Brian Simeur
Village Clerk
Village of Bourbonnais
700 Main Street NW
Bourbonnais, IL 60914

William T. Sunley
Professional Engineer
Hanson Professional Services, Inc.
1525 S. Sixth Street
Springfield, IL 62703

Joe VonDeBur
Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, IL 62701

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

Illinois Central Railroad Company; Village of Bourbonnais; County of)
Kankakee; Township of Bourbonnais; State of Illinois, Department of)
Transportation)

Stipulated Agreement regarding construction of a connecting road)
(Belson Road), vacation of McKnight Road within the railroad right-of-)
way limits and closure of McKnight Road highway-railgrade crossing)
of the Illinois Central Railroad Company's tracks located in The Village)
of Bourbonnais, Kankakee County, Illinois designated as crossing)
AAR/DOT #288 933B, Milepost 51.35M.)

T04-0054

NOTICE OF FILING

Patrick T. Dunn
LaBeau, Dietchweiler, Capriotti & Dunn, P.C.
200 E. Court Street, Suite 700
Kankakee, IL 60901

Michael Hildebrand
Highway commissioner
Bourbonnais Township
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Joe VonDeBur
Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, IL 62701

PLEASE TAKE NOTICE that we have on this 27th day of May, 2005, sent for filing with the Illinois Commerce Commission, the attached Response of Illinois central Railroad Company to

the Petition for Supplemental Order and Extension of Time filed by the Village of Bourbonnais in the above captioned matter, a copy of which is hereby served upon you.

ILLINOIS CENTRAL RAILROAD COMPANY

By Michael J. Barron, Jr.

Michael J. Barron, Jr.

Counsel

CN

17641 S. Ashland Avenue

Homewood, IL 60430

Phone: 708-332-3954

Fax: 708-332-3052

ARDC 6228809

ILLINOIS COMMERCE COMMISSION

Stipulated Agreement regarding construction of a connecting road (Belson Road), vacation of McKnight Road within the railroad right-of-way limits and closure of McKnight Road highway-railgrade crossing of the Illinois Central Railroad Company's tracks located in The Village of Bourbonnais, Kankakee County, Illinois designated as crossing AAR/DOT #288 933B, Milepost 51.35M.

**AMENDED RESPONSE OF ILLINOIS CENTRAL RAILROAD COMPANY TO THE
PETITION FOR SUPPLEMENTAL ORDER AND EXTENSION OF TIME FILED BY
THE VILLAGE OF BOURBONNAIS**

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ILLINOIS CENTRAL RAILROAD COMPANY

By Michael J. Barron, Jr.

Michael J. Barron, Jr.

Counsel

CN

17641 S. Ashland Avenue

Homewood, IL 60430-1345

Phone: 708-332-3954

Fax: 708-332-3052

ARDC 6228809

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Illinois Central Railroad Company; Village of Bourbonnais)
County of Kankakee; Township of Bourbonnais;)
State of Illinois, Department of Transportation)
) T04-0054
Stipulated Agreement regarding construction of a)
Connecting road (Belson Road), vacation of McKnight)
Road within the railroad right-of-way limits and closure)
Of McKnight Road highway-railgrade crossing of the)
Illinois Central Railroad Company's tracks located in)
The Village of Bourbonnais, Kankakee County, Illinois)
Designated as crossing AAR/DOT #288 933B, Milepost)
51.35M.)

To: Michael J. Barron, Jr.
Counsel
Illinois Central Railroad Company
17641 S. Ashland Avenue
Homewood, IL 60430

Michael Hildebrand
Highway Commissioner
Bourbonnais Township
623 Woodstock Lane
Bourbonnais, IL 60914

Robert Latham
Village President
Village of Bourbonnais
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Victor A. Modeer
Director of Highways-IDOT
Attn: Jeff Harpring, Room 205
2300 S. Dirksen Parkway
Springfield, IL 62764

James W. Piekarczyk
Kankakee County Highway Engineer
750 S. East Avenue, PO Box 825
Kankakee, IL 60901

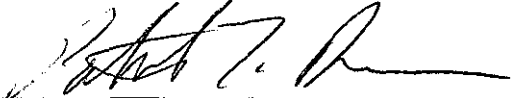
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1525 S. Sixth Street
Springfield, IL 62703

David Lazarides
Acting Director of Processing
Transportation Bureau
Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, IL 62701

NOTICE OF FILING

PLEASE TAKE NOTICE that on the 18th day of May 2005, there was filed with the Illinois Commerce Commission of the State of Illinois, the attached Petition for Supplemental Order and Extension of Time in the above-referenced matter.



State of Illinois)
) SS:
County of Kankakee)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 18th day of May 2005, the original and two copies of the foregoing PETITION FOR SUPPLEMENTAL ORDER AND EXTENSION OF TIME was served for filing upon David Lazarides, Acting Director of Processing, Transportation Bureau, Illinois Commerce Commission, 527 E. Capitol, Springfield, IL, 62701, in a securely sealed envelope with sufficient postage attached to carry the same.

The following persons were also served a copy by U.S. mail:

Michael J. Barron, Jr.
Counsel
Illinois Central Railroad Company
17641 S. Ashland Avenue
Homewood, IL 60430

Michael Hildebrand
Highway Commissioner
Bourbonnais Township
623 Woodstock Lane
Bourbonnais, IL 60914

Robert Latham
Village President
Village of Bourbonnais
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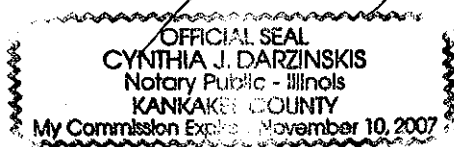
Brian Simeur
Village Clerk
Village of Bourbonnais
700 Main Street NW
Bourbonnais, IL 60914

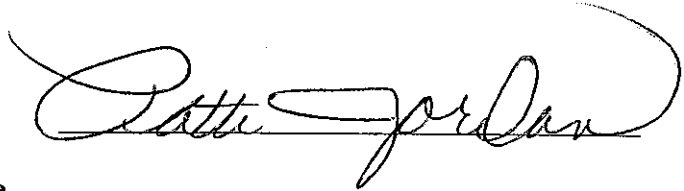
William T. Sunley
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1525 S. Sixth Street
Springfield, IL 62703

David Lazarides
Acting Director of Processing
Transportation Bureau
Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, IL 62701

SUBSCRIBED & SWORN to before me
this 18th day of May 2005.


Notary Public





Patrick T. Dunn, Village Attorney
LaBeau, Dietchweiler, Capriotti & Dunn, P. C.
200 E. Court Street – Suite 700
Kankakee, IL 60901
Phone: (815) 933-6637
Fax: (815) 933-9940

15
24

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Illinois Central Railroad Company; Village of Bourbonnais; :
County of Kankakee; Township of Bourbonnais; :
State of Illinois, Department of Transportation :
:
:
:
T04-0054
Stipulated Agreement regarding construction of a connecting road :
(Belson Road), vacation of McKnight Road within the railroad :
right-of-way limits and closure of McKnight Road highway-rail :
grade crossing of the Illinois Central Railroad Company's tracks :
located in the Village of Bourbonnais, Kankakee County, Illinois :
designated as crossing AAR/DOT #288 933B, milepost 51.35M. :

PETITION FOR SUPPLEMENTAL ORDER AND EXTENSION OF TIME

NOW COMES the Village of Bourbonnais, an Illinois Municipal Corporation, by and through its attorney, Patrick T. Dunn, of the law firm LaBeau Dietchweiler Capriotti & Dunn P.C., and requests an extension of the deadline for the completion of construction pursuant to the order entered in this case. In support of this request, The Village of Bourbonnais alleges upon information and belief as follows:

1. On April 26, 2004, May 3, 2004, May 11, 2004, May 17, 2004, June 7, 2004 and June 8, 2004, The Illinois Commerce Commission, The Village of Bourbonnais, the Illinois Department of Transportation, the Township of Bourbonnais, the Illinois Central Railroad Company and the County of Kankakee executed a Stipulated Agreement No. 1034, which provided for the construction of a connecting road, Belson Road, vacation of McKnight Road within the railroad's right-of-way and closure of the McKnight Road highway-rail grade crossing of the Illinois Central Railroad Company's tracks located in the Village of Bourbonnais, Kankakee County, Illinois, designated as crossing AAR/DOT #288 933B, milepost 51.35M.

2. A true and correct copy of Stipulated Agreement No. 1034 is attached hereto as Exhibit "A".

3. On June 23, 2004 an ORDER was entered accepting the terms of Stipulated Agreement No. 1034 and requiring the parties to the agreement to meet its terms.

4. A true and correct copy of the ORDER entered June 23, 2004 is attached hereto as Exhibit "B".

5 The ORDER additionally required all work be completed within one (1) year from the date of the order.

6. The ORDER additionally required that reimbursement from the Grade Crossing Protection Fund shall expire, and the Illinois Department of Transportation shall de-obligate all residual Grade Crossing Protection Fund money, twelve (12) months after the completion date specified in the order.

7. The previously mentioned deadlines are to expire on or about June 23, 2005.

8. The Village of Bourbonnais requires extensions of the deadlines set in the ORDER.

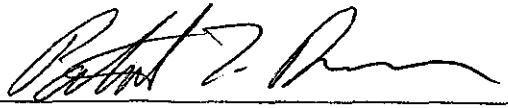
7. The Village of Bourbonnais will be unable to meet the required construction deadline set forth in the ORDER due to additional right of way that was required for the project to be completed, and The Village of Bourbonnais has had problems obtaining said right of way from the landowner(s). The Village of Bourbonnais has received verbal commitment from the landowner(s) for the appropriate dedications and the Village is now in the process of completing the necessary legal documentation.

WHEREFORE, the Village of Bourbonnais respectfully requests that:

- A. the deadline for completion of construction be extended six (6) months to December 23, 2005; and
- B. the deadline for reimbursement from the Grade Crossing Protection Fund, and the Illinois Department of Transportation's requirement to de-obligate all residual Grade Crossing Protection Fund money, be extended six (6) months to December 23, 2005; and
- C. any and all deadlines for contribution of or payment of funds for this project be adjusted accordingly and therefore be extended six (6) months to December 23, 2005.

Dated: May 18, 2005

VILLAGE OF BOURBONNAIS, ILLINOIS,
an Illinois Municipal Corporation.

BY: 
Patrick T. Dunn
Attorney for the Village of Bourbonnais

Prepared By:
Patrick T. Dunn
LaBeau Dietchweiler Capriotti & Dunn P.C.
Attorney for the Village of Bourbonnais
200 East Court Street, Suite 700
Kankakee, Illinois 60901
Phone: (815)933-6637
Fax: (815)933-9940

EXHIBIT A

Stipulated Agreement No. 1034

ORIGINAL

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

T04-0054

STIPULATED AGREEMENT No. 1034

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission, hereinafter referred to as the "Commission", the Illinois Central Railroad Company, hereinafter referred to as the "Company", the Village of Bourbonnais in Kankakee County, hereinafter referred to as the "Village", the County of Kankakee, hereinafter referred to as the "County", the Township of Bourbonnais, hereinafter referred to as the "Township" and the State of Illinois, Department of Transportation, hereinafter referred to as the "Department".

WITNESSETH:

WHEREAS, within the Village, McKnight Road extends in an east-west direction, crosses the Company's tracks (DOT 288 933B) and intersects with Illinois Route 50 approximately 470 feet east of the tracks as measured centerline to centerline. St. George Road (County Highway 8), which is one-half mile north of McKnight Road, extends in an east-west direction, crosses the Company's tracks (DOT 288 932U) and intersects with Illinois Route 50 approximately 610 feet east of the tracks as measured centerline to centerline. The McKnight Road and St. George Road grade crossings are equipped with automatic flashing light signals and gates. McKnight Road is heavily used by large tractor-trailer trucks. A recent highway capacity analysis conducted by the Department reveals that the vehicle storage area between the St. George Road crossing and Illinois Route 50 is adequate for existing and projected traffic; and

WHEREAS, the Village proposes to extend Belson Road south from its present terminus south of St. George Road, to connect with McKnight Road, a distance of approximately 1,900 feet; the road extension, which is west of the Company's tracks, would allow for closing and barricading of the grade crossing of the Company's tracks with McKnight Road, and would divert traffic from McKnight Road to St. George Road; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid safety improvements by the Commission's Railroad Section Staff; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of the Commission by Order.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements as hereinafter contained, the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that the Grade Crossing Protection Fund (GCPF) of the Motor

DOCKETED

Fuel Tax Law be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1: All improvements encompassed by this agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and orders and procedures in general.

Section 2: The parties are of the opinion that in the interest of public safety the following improvements should be made:

- a. Construct an extension to the existing Belson Road, by the Village, between St. George Road and McKnight Road, substantially as set forth in Exhibit A attached hereto.
- b. Vacate the existing McKnight Road grade crossing by the Village within the Company's right-of-way.
- c. Close, abolish and barricade the McKnight Road crossing by the Company, shown in Exhibit B attached hereto, subsequent to completion and opening of the Belson Road extension.

Section 3: The Village has prepared an estimate of cost to accomplish the proposed roadway work which it may be required to perform, said estimate is attached as Exhibit C, and shall upon Order, according to the requirements contained therein, prepare detailed plans and specifications for the proposed improvement for the approval of the Commission and the Department.

Section 4: The Company and Village shall upon the Commission's Order, according to the requirements contained therein, proceed toward the completion of the work proposed herein accomplishing the improvements with their own forces or appropriate contracted services and agree that an appropriate time for the submission of any plans should be two (2) months from the date of the Commission Order, the submission of progress reports should be six (6) months from the date of the Commission Order and for completion of the work should be twelve (12) months from the date of the Commission Order subsequent to this Agreement.

Section 5: The aforesaid progress reports shall include the Commission Order number, the Order date, the project completion date as noted in the Order, crossing information (Inventory number and railroad milepost number), type of improvement and project manager information (name, title, mailing address, phone number and facsimile number of the Company and Village employee responsible for management of the project); the report from the Village shall also include the status of expenditures of the roadway project and percentage of completion of the project; if the project is behind schedule, the report must also include a brief explanation of the reason(s) for the delay.

Section 6: The parties hereto agree that an equitable division of cost to perform the proposed improvement should be:

- a. The cost to close, abolish and barricade the McKnight Road crossing (no estimate) should be paid 100% by the Company. The cost to maintain the barricades should be paid 100% by the Village.
- b. The cost for the Village to construct Belson Road, as set forth in attached Exhibit C, is estimated to be \$561,238. The Grade Crossing Protection Fund should pay 50% of the actual cost, not to exceed \$280,619. The Village should pay all remaining construction costs, as well as all future maintenance costs.
- c. The Village should pay 100% of the cost to vacate McKnight Road within the Company's right-of-way.

Section 7: The Village is financially able and willing to bear an equitable portion of the cost for the proposed improvements as may be assigned by the Order and indicates this intent by Resolution attached as Exhibit D.

Section 8: All bills for expenditures authorized to be reimbursed from the Grade Crossing Protection Fund shall be submitted to the Department's district office as follows: Illinois Department of Transportation, Bureau of Local Roads and Streets, 700 East Norris Drive, Ottawa, Illinois 61350. The final bill for expenditures shall be clearly marked "Final Bill", and authorization for reimbursement from the Grade Crossing Protection Fund shall expire and the Department shall de-obligate all residual Grade Crossing Protection Fund money twelve (12) months after the completion date specified in the Order.

Section 9: The Village shall submit to the Commission copies of the vacation ordinance or other legal documents that show McKnight Road has been vacated within the Company's right-of-way. The Village and the Township shall install and maintain any required signs in conformance with the Manual on Uniform Traffic Control Devices, indicating the McKnight Road crossing closure.

Section 10: This agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this agreement by all parties, the Commission shall within 60 days enter an appropriate order accepting or rejecting such stipulation according to the provisions contained herein.

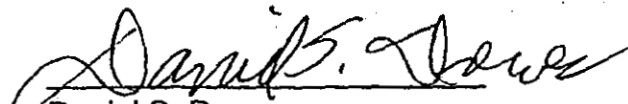
In Witness Whereof, the parties have caused this agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this 26th day of April, 2004

A handwritten signature in dark ink, appearing to read "M. E. Stead", written over a horizontal line.

Michael E. Stead
Rail Safety Program Administrator

Attest:

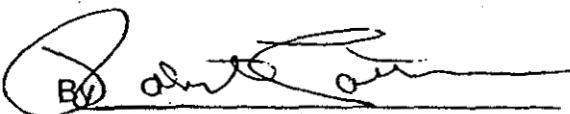
A handwritten signature in dark ink, appearing to read "Daniel S. Drewes", written over a horizontal line.

Daniel S. Drewes
Rail Safety Section

Illinois Commerce Commission Stipulated Agreement No. 1034 concerning the construction of a connecting road and the closure of the Illinois Central / McKnight Road grade crossing (DOT 288 933B) in the Village of Bourbonnais, Illinois.

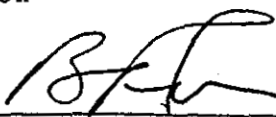
Executed by the Village of Bourbonnais this 3rd day of May, 2004.

VILLAGE OF BOURBONNAIS

By 
(Title)

Mayor

Attest:


Village Clerk

Illinois Commerce Commission Stipulated Agreement No. 1034 concerning construction of a connecting road and closure of the Illinois Central / McKnight Road grade crossing (DOT 288 933B) located in Bourbonnais, Illinois.

Executed by the Department this 11th day of May, 2004.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By Victor A. Modler
Director of Highways *VR*

Illinois Commerce Commission Stipulated Agreement No. 1034 concerning the construction of a connecting road and the closure of the Illinois Central / McKnight Road grade crossing (DOT 288 933B) located in Bourbonnais, Illinois.

Executed by the Township of Bourbonnais this 17th day of May, 2004.

BOURBONNAIS TOWNSHIP

By Michael Hildebrand
(Title)
MICHAEL HILDEBRAND, HIGHWAY COMMISSIONER

Attest:

Joan Pierce
JOAN PIERCE, TOWNSHIP CLERK

RECEIVED
MAY 19 2004

Illinois Commerce Commission
BAC OF TOWNSHIPS

Illinois Commerce Commission Stipulated Agreement No. 1034 concerning construction of a connecting road and closure of the McKnight Road highwayrail crossing of the Illinois Central Railroad Company's track (Milepost 51.35, AAR/DOT 288 933B) in the Village of Bourbonnais, Kankakee County, Illinois.

Executed by the Company this 7th day of June, 2004

ILLINOIS CENTRAL RAILROAD COMPANY

By: Paul E. Ladue
Paul E. Ladue
Region Manager
Contracts and Administration

Witness:

Tom Zeinz
Tom Zeinz
Manager Public Works

Illinois Commerce Commission Stipulated Agreement No. 1034 concerning the construction of a connecting road and the closure of the Illinois Central / McKnight Road grade crossing (DOT 288 933B) in the Village of Bourbonnais, Illinois.

Executed by the County of Kankakee this 8th day of June, 2004.

County of Kankakee

By Karl J. Krasner
(Title)

Attest:

Brian Clark

